The following communication, dated 7 May 1991, has been received from the Permanent Delegation of the Commission of the European Communities.

On 19 March 1991, the European Community took two decisions concerning the importation into the Community of foods originating from Peru. The adoption of these decisions was a precautionary measure taken in response to the outbreak of cholera in Peru and the risk of the disease being transmitted via imported foodstuff. The first prohibits the importation of fisheries and fresh water products unless accompanied by certification. The second one concerns the importation into the Community of fruit and vegetables.

The above decisions are in accordance with the objectives and procedures of the streamlined mechanism for reconciling the interests of contracting parties in the event of trade-damaging acts.
COMMISSION DECISION
of 19 March 1991
concerning protective measures against cholera in Peru

(91/146/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries, and in particular Article 19 thereof,

Whereas in accordance with Article 19 of Directive 90/675/EEC the necessary decisions shall be adopted in particular concerning the importation of certain products from third countries in which any phenomenon liable to present a serious threat to animal or public health appears or spreads;

Whereas an epidemic of cholera is developing in Peru;

Whereas this disease presents a serious threat to public health and whereas the cholera agent may contaminate animals as well as products of animal origin;

Whereas a mission of Community experts has visited Peru in order to examine the situation and to study the guarantees necessary to avoid the risk of introducing cholera into the Community;

Whereas it is necessary to prohibit the importation of fisheries products originating in or coming from Peru;

Whereas provisions should be laid down to ensure that effective checks are conducted on products accompanied by certificates in the Member States where they are intended to be released for consumption and there should be a review of the provisions of this Decision where a check on import reveals the presence of the cholera vibrio;

Whereas the measures laid down in this Decision are in accordance with the opinion of the Standing Veterinary Committee;

HAS ADOPTED THIS DECISION:

Article 1

Member States shall prohibit the importation of fisheries and fresh water products originating or coming from Peru, with the exclusion of fish meal.

Article 2

However, the prohibition laid down in Article 1 shall not apply to consignments of fisheries products with the exclusion of bivalve molluscs and fishery products from artisanal fisheries originating in Peru and accompanied by an official certificate delivered by CERPER (public enterprise for the certification of fisheries products of Peru) comprising the following elements:
- Number and date;
- Description of consignment and nature of treatment;
- Registration and approval number of the factory;
- Attestation that the factory is subject to an inspection regime enforced by agents of CERPER;
- Attestation that the processing methods conform to CERPER circular 70-021/91 of 21 February 1991;
- Signature of an official representative of CERPER.

Article 3

Member States shall prohibit the re-expedition to the territory of other Member States the products referred to in Article 2, unless the products are introduced into a port or airport and that they are destined for another port or airport equipped with an inspection post and that the products are transported, as the case may be, by sea or air.

Article 4

If during an import check the authorities of the Member State discover the presence of the cholera agent, they shall so inform the Commission and the other Member States immediately, without prejudice to measures to be taken in respect of the contaminated consignment.

Article 5

The Commission shall follow the development of the situation and this Decision shall be amended immediately in the light of that development and in particular in the case allowed for in Article 4.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 19 March 1991.

For the Commission
Ray MAC SHARRY
Member of the Commission
COMMISSION DECISION of 19 March 1991 adopting protective measures against cholera in Peru in respect of imports (91/147/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Economic Community,


Whereas, in accordance with Article 19 of Directive 90/675/EEC, the necessary decisions must be adopted in particular in respect of imports of certain products from third countries where any phenomenon likely to present a serious threat to livestock or public health appears or is spreading;

Whereas an epidemic of cholera is developing in Peru; whereas that disease presents a serious threat to public health and whereas the cholera vibrio may also contaminate fruit and vegetables;

Whereas a mission of Community experts has visited Peru in order to examine the situation and to consider the guarantees necessary to forestall the risk of cholera being introduced into the Community;

Whereas, in view of the observations made during that mission, a Community measure must be taken urgently; whereas the national measures already adopted in certain Member States point to broad agreement in favour of the adoption of specific measures; whereas, in order to ensure the application of a uniform measure, the Commission has resolved to adopt this decision;

Whereas imports of fruit and vegetables originating or coming from Peru should be prohibited; whereas, however, such a prohibition must not apply on the one hand to certain consignments covered by appropriate guarantees given by the official authorities in Peru and on the other hand to dry products and to products which are not likely to be carriers of contamination agents on account of their acidity;

HAS ADOPTED THIS DECISION:

Article 1

The Member States shall prohibit imports originating in or coming from Peru of:

- fruit and vegetables covered by Regulation (EEC) No. 1035/72 and 827/68,
- processed fruit and vegetable products covered by Regulation (EEC) No. 426/86,
- bananas covered by CN code 0803 with the exception of dry fruit and products with a pH value of less than 4.5.

Article 2

However, the prohibition laid down in Article 1 shall not apply to consignments of fruit and vegetable products originating in Peru and accompanied by the following documents:

1. an official certificate issued by CERPER giving the following:
   - the number and date;
   - a description of consignment and nature of treatment;
   - the name and address of factory;
   - an attestation that the factory meets the health conditions required to ensure proper hygiene in handling and in particular that it has a system for the chlorine treatment of waste water;

2. OJ No. L 118, 20.5.72, p.1.
3. OJ No. L 151, 30.6.68, p.16.

an attestation that the factory is subject to a stringent inspection regime by agents of CERPER and that all the hygiene conditions regarding processing, packaging and presentation are complied with;
- the number of the analysis attestation issued by the Ministry of health;
- the signature of an official representative of CERPER;

2. a numbered and dated certificate issued by the Peruvian Ministry of Health testifying to the absence of contamination by the cholera vibrio of the products in the consignment exported.

Article 3

The Member States shall prohibit the re-dispatch to the territory of other Member States of the products referred to in Article 2 unless those products enter a port or airport, are destined for another port or airport which has an inspection post and are exported, as the case may be, by sea or air.

Article 4

If the authorities of the Member States discover the presence of the cholera agent during a check on import, they shall so inform the Commission and the other Member States forthwith, without prejudice to measures to be taken in respect of the contaminated consignment.

Article 5

The Commission shall monitor developments in the situation and this Decision shall be amended immediately in the light of such developments and in particular in the case provided for in Article 4.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 19 March 1991.

For the Commission
Martin BANGEMANN
Vice-President